

ORIGINAL

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

5776 STONERIDGE MALL ROAD, SUITE 200

PLEASANTON, CALIFORNIA 94588

TELEPHONE: (925) 227-9200

FACSIMILE: (925) 227-9202

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
2 A Professional Corporation  
3 Robert Fried, State Bar No. 85579  
4 Deanna J. Mouser, State Bar No. 143187  
5 5776 Stoneridge Mall Road, Suite 200  
6 Pleasanton, California 94588  
7 Telephone: (925) 227-9200  
8 Facsimile: (925) 227-9202

9 Attorneys for Defendant  
10 MISSION ELECTRIC COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOEL GONZALEZ,

14 Plaintiff,

15 v.

16 MISSION ELECTRIC COMPANY, aka  
17 MISSION ELECTRIC, DOES 1 to 10,

18 Defendants.

CASE NO.

**CERTIFICATE OF FILING OF  
NOTICE TO CLERK OF ALAMEDA  
COUNTY SUPERIOR COURT OF  
REMOVAL TO FEDERAL COURT**

KATRINA E. HARDY certifies and declares as follows:

1. I am over the age of 18 years and not a party to this action.

2. My business address is The Atrium, 5776 Stoneridge Mall Road, Suite 200, Pleasanton, California 94588, which is located in the city, county and state where the mailing described below took place.

3. On September 17, 2007, I caused to be filed via court courier with the Clerk's Office of the Alameda County Superior Court located at 1225 Fallon Street, Oakland, California, the attached **NOTICE TO CLERK OF ALAMEDA COUNTY SUPERIOR COURT OF REMOVAL TO FEDERAL COURT** and caused the same to be served on Plaintiffs herein by United States Mail, with postage fully paid thereon to: Michael C. Cohen, Esq., Law Offices of Michael C. Cohen, 1814 Franklin Street, Suite 900, Oakland, California 94612.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 17th day of September, 2007, at Pleasanton, California.

  
KATRINA E. HARDY

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

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ATTORNEYS AT LAW

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Pleasanton, California 94588  
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Facsimile: (925) 227-9202

5 Attorneys for Defendant  
6 MISSION ELECTRIC COMPANY

ENDORSED  
FILED  
ALAMEDA COUNTY  
SEP 17 2007  
CLERK OF THE SUPERIOR COURT  
By *T. Webb*

7  
8  
9 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
10 COUNTY OF ALAMEDA - UNLIMITED JURISDICTION

11 JOEL GONZALEZ,

12 Plaintiff,

13 v.

14 MISSION ELECTRIC COMPANY, aka  
MISSION ELECTRIC, DOES 1 to 10,

15 Defendants.

CASE NO. RG 07330850

**DEFENDANT MISSION ELECTRIC  
COMPANY'S NOTICE TO CLERK OF  
ALAMEDA COUNTY SUPERIOR  
COURT OF REMOVAL OF CIVIL  
ACTION UNDER 28 U.S.C. § 1441**

Complaint Filed: June 19, 2007  
Trial Date: TBA

17  
18 TO THE CLERK OF THE ABOVE-ENTITLED COURT:

19 PLEASE TAKE NOTICE THAT a Notice of Removal of this action was filed in the  
20 United States District Court for the Northern District of California on September 13, 2007.

21 A copy of said Notice of Removal is attached to this Notice, and is served and filed  
22 herewith.

23 DATED: September 17, 2007

24 ATKINSON, ANDELSON, LOYA, RUUD & ROMO

25 By: *Deanna Mouser*

26 Robert Fried  
Deanna Mouser  
27 Attorneys for Defendant  
MISSION ELECTRIC COMPANY  
28

**ATTACHMENT: Notice of Removal**

1 ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
2 A Professional Corporation  
3 Robert Fried, State Bar No. 85579  
4 Deanna J. Mouser, State Bar No. 143187  
5 5776 Stoneridge Mall Road, Suite 200  
6 Pleasanton, California 94588  
7 Telephone: (925) 227-9200  
8 Facsimile: (925) 227-9202

9 Attorneys for Defendant  
10 MISSION ELECTRIC COMPANY

11 UNITED STATES DISTRICT COURT  
12 NORTHERN DISTRICT OF CALIFORNIA

13 JOEL GONZALEZ,

14 Plaintiff,

15 v.

16 MISSION ELECTRIC COMPANY, aka  
17 MISSION ELECTRIC, DOES 1 to 10,

18 Defendants.

CASE NO.

C07-04719-4

NOTICE OF REMOVAL TO FEDERAL  
DISTRICT COURT PURSUANT TO 28  
U.S.C. § 1441(B) (FEDERAL QUESTION  
JURISDICTION) OF DEFENDANT  
MISSION ELECTRIC COMPANY

ORIGINAL  
FILED  
SEP 13 2007  
RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND

ADR

ATKINSON, ANDELSON, LOYA, RUUD & ROMO

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

5776 STONERIDGE MALL ROAD, SUITE 200

PLEASANTON, CALIFORNIA 94588

TELEPHONE: (925) 227-9200

FACSIMILE: (925) 227-9202

1 **TO THE CLERK OF THE ABOVE-ENTITLED COURT:**

2 **PLEASE TAKE NOTICE** that Defendant erroneously named as MISSION ELECTRIC  
3 COMPANY aka MISSION ELECTRIC is properly identified as Kositch Enterprises Inc., dba  
4 Mission Electric Company (hereinafter "Defendant"), and reserving its defenses associated with  
5 its identification as a Defendant as captioned to this complaint, hereby removes to this Court the  
6 state action described below:

7 1. On June 14, 2007, an action was commenced in the Superior Court of the State of  
8 California in and for the County of Alameda, entitled *Joel Gonzalez v. Mission Electric*  
9 *Company, aka Mission Electric*, case number RG07330850. Plaintiff Joel Gonzalez ("Plaintiff")  
10 filed an Amended Complaint on June 19, 2007. A copy of all documents in the case file for the  
11 Superior Court of Alameda County is attached hereto as Exhibit "A," except the Amended  
12 Summons which has been separately attached as Exhibit "B." The case file for the Superior  
13 Court of Alameda County, attached as Exhibit "A," contains the original summons and  
14 complaint and its civil case cover sheet filed on June 14, 2007, the amended complaint filed on  
15 June 19, 2007, the Superior Court's Notice of Case Management Conference and Order dated  
16 June 18, 2007, Notice of Judicial Assignment for All Purposes dated June 15, 2007 and the Proof  
17 of Substituted Service. A true and accurate copy of the Amended Summons is attached hereto as  
18 Exhibit "B."

19 2. Defendant was served by subservice with the summons and complaint, with the  
20 service complete on August 20, 2007. Defendant's staff received a copy of the complaint on  
21 August 7, 2007, and a copy was mailed to the person authorized to accept service on August 10,  
22 2007. Service is deemed complete 10 days after the mailing, which is August 20, 2007. (Cal.  
23 Code Civ. Proc. § 415.20(a)). No other process, pleadings or orders have been served upon or  
24 received by Defendant. A true and accurate copy of the Plaintiff's Proof of Service from the  
25 website of the Superior Court for the County of Alameda is attached hereto as Exhibit "C."

26 3. Thirty days after the date on which service on Defendant was complete is  
27 September 19, 2007. Therefore, this Notice of Removal is timely filed pursuant to 28 U.S.C. §  
28 1446(b).

1 4. Attached hereto as Exhibit "D" is a true and accurate copy of Defendant's Notice  
2 to Adverse Party of Removal.

3 5. Attached hereto as Exhibit "E" is a true and accurate copy of Defendant's Notice  
4 to Clerk of the Alameda County Superior Court of Removal.

5 6. Intradistrict Assignment: This action is a civil action that arose in Alameda  
6 County. Pursuant to Local Rule 3-2 (c) and (d), this action is appropriate for assignment to the  
7 Oakland Division or San Francisco Division because the action arose in Alameda County. N.D.  
8 Local Rules 3-2 (c) and (d) and 3-5 (b).

9 7. Jurisdiction: Pursuant to Local Rule 3-5 (a), this action is a civil action of which  
10 this court has original jurisdiction and which may be removed to this court by Defendant  
11 pursuant to the provisions of 28 U.S.C. § 1441(b) in that it arises under the following law of the  
12 United States: Title VII of the Civil Rights Act of 1964 (42 U.S.C. § 2000e-2).

13 DATED: September 14, 2007

14 ATKINSON, ANDELSON, LOYA, RUUD & ROMO

15 By: 

16 Robert Fried  
17 Deanna Mouser  
18 Attorneys for Defendant  
19 MISSION ELECTRIC COMPANY  
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**PROOF OF SERVICE**

(Code Civ. Proc. § 1013a(3))

STATE OF CALIFORNIA, COUNTY OF ALAMEDA

I am employed in the County of Alameda, State of California. I am over the age of 18 years and am not a party to the within action; my business address is 5776 Stoneridge Mall Road, Suite 200, Pleasanton, CA 94588.

On September 14, 2007, I served the following document(s) described as **NOTICE OF REMOVAL TO FEDERAL DISTRICT COURT PURSUANT TO 28 U.S.C. § 1441 (B) (FEDERAL QUESTION JURISDICTION) OF DEFENDANT MISSION ELECTRIC COMPANY** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Michael C. Cohen, Esq.  
Law Offices of Michael C. Cohen  
1814 Franklin Street, Suite 900  
Oakland, CA 94612  
Telephone: (510) 832-6436  
Facsimile: (510) 832-6439

Attorneys For Plaintiff  
JOEL GONZALEZ

☒ **BY MAIL:** I deposited such envelope in the mail at Pleasanton, California. The envelope(s) was mailed with postage thereon fully prepaid. I am readily familiar with the firm's practice of collection and processing correspondence for mailing. It is deposited with U.S. postal service on that same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

☐ **BY OVERNIGHT COURIER:** I sent such document(s) on September 13, 2007, by with postage thereon fully prepaid at Pleasanton, California.

☐ **BY FAX:** I sent such document by use of facsimile machine telephone number (925) 227-9202. Facsimile cover sheet and confirmation is attached hereto indicating the recipients' facsimile number and time of transmission pursuant to California Rules of Court Rule 2008(e). The facsimile machine I used complied with California Rules of Court Rule 2003(3) and no error was reported by the machine.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on September 14, 2007, at Pleasanton, California.

  
KATRINA E. HARDY

ATKINSON, ANDELSON, LOYA, RUUD & ROMO  
A PROFESSIONAL CORPORATION  
ATTORNEYS AT LAW  
5776 STONERIDGE MALL ROAD, SUITE 200  
PLEASANTON, CALIFORNIA 94588  
TELEPHONE: (925) 227-9200  
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On September 17, 2007, I served the following document(s) described as **DEFENDANT MIOSSION ELECTRIC COMPANY'S NOTICE TO CLERK OF THE ALAMEDA COUNTY SUPERIOR COURT OF REMOVAL OF CIVIL ACTION UNDER 28 U.S.C. § 1441** on the interested parties in this action by placing a true copy thereof enclosed in sealed envelopes addressed as follows:

Michael C. Cohen, Esq.	Attorneys For Plaintiff
Law Offices of Michael C. Cohen	JOEL GONZALEZ
1814 Franklin Street, Suite 900	
Oakland, CA 94612	
Telephone: (510) 832-6436	
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**PROOF OF SERVICE**

(Code Civ. Proc. § 1013a(3))

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Michael C. Cohen, Esq.	Attorneys For Plaintiff
Law Offices of Michael C. Cohen	JOEL GONZALEZ
1814 Franklin Street, Suite 900	
Oakland, CA 94612	
Telephone: (510) 832-6436	
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